

## **Remarks/Arguments**

Claims 1, 2, 4, 5, 12, and 14-21 are pending. Applicant has amended claim 1 to specify that the DNA vector fragments include a first and second portion of a third vector element, where the third vector element is an insert detection element which is designed such that when a DNA fragment from the first collection is ligated with a DNA fragment from the second collection, a vector detection element is created, and if an insert fragment becomes linked between the DNA fragment from the first collection and the DNA fragment from the second collection, the vector detection element is not created. Claim 5 has been amended to be consistent with claim 1, as amended. The amendment is supported by the original specification, e.g., at paragraph [0049] and Figures 3-5 (referring to the specification published as US Pat. Pub. No. 2003/0017552).

The following remarks are in response to the Office Action mailed February 8, 2008 (“the Office Action”).

### Rejections under 35 U.S.C. §102

Claims 1, 2, 4, 5, 12, and 14-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by Harney et al., US Patent No. 6,495,318 (“Harney”). The Office Action states that Harney discloses a method of preparing a DNA vector by providing at least two collections of nucleic acid molecules that are DNA vector fragments, wherein vector fragments within the collections include portions of a vector element that cannot alone provide vector element function.

Although Applicant disagrees, solely to advance prosecution, claim 1 has been amended herein to specify that the DNA vector fragments include a first and second portion of a third vector element. The third vector element is an insert detection element. The insert detection element is designed such that when a DNA fragment from the first collection is ligated with a DNA fragment from the second collection, a vector detection element is created, and if an insert fragment becomes linked between the DNA fragment from the first collection and the DNA fragment from the second collection, the vector detection element is not created. Harney does not disclose or suggest a method of preparing a DNA vector which includes an insert detection

element, wherein the insert detection element is designed such that if an insert fragment becomes linked between a first and second portion of the insert detection element, a vector detection element is not created, and if an insert fragment does not become linked, a vector detection element is created. Harney does not disclose or suggest a method that includes all of the elements of Applicant's claims. In light of the present amendment and arguments, Applicant respectfully requests withdrawal of this rejection.

Conclusion

Applicant submits that the present application is in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes a telephone call would be useful in expediting prosecution of this application, the undersigned invites the Examiner to call her at the number below.

Please charge any fees associated with this response, or apply any credits, to our Deposit Account Number 03-1721, referencing attorney docket no. 2003320-0032.

Respectfully submitted,

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